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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Christine L. Knapp**

Serial No.: **10/705,701** Art Unit: 1743

Filed: November 12, 2003 Examiner: Cole, M. T.

AROMATHERAPEUTIC ARTICLES
AND METHODS OF USE THEREOF

Response under 37 C.F.R. 1.111

Honorable Commissioner of Patents

Alexandria, Virginia 22313

Sir:

Responsive to the Official Action dated, September 27, 2006, applicant elects with traverse the invention of Group I, claims 1-6, drawn to a target classified in Class 512, subclass 1+, as admitted by the examiner. Applicant further elects the species of Figure 1.

The examiner has erred in her restriction of the invention disclosed in the present patent application and recited in claims 1-22. The examiner admits that the inventions of Groups I, II, III and IV are classified in the same classification even though the examiner has not bothered to provide a more definite classification than Class 512, subclass 1 "plus". The admission that the "inventions" of the respective Groups are classified in the same classification is probative of the "invention" being one invention as is well-established.

CERTIFICATE OF FAX TRANSMISSION:
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent Office (571 273 8300) this 3rd day of October, 2006

Kenneth E. Darnell

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The examiner further states that the "inventions" are not disclosed as being capable of being used together. The examiner's attention is directed to the subject matter of claims 1-6 and claim 7. The projectile of claim 7 is disclosed as being useful with the target of claims 1-6. Essentially, the examiner's argument in this regard is without basis in any event since many separate inventions can be "used together".

Still further, the examiner contends that the "separate inventions" possess "different designs, modes of operation and effects". To the contrary, the invention of claims 1-22 has "effects" (sic) sufficiently related as to cause the invention to be considered a single invention and not subject to a restriction requirement.

As to "modes of operation", the single invention of claims 1-22 functions sufficiently similarly as to flow from the same inventive concept. In essence, a scent is caused to become noticeable through contact with an article having the scent associated therewith, the invention also including incorporating such a scent into an article.

The applicant fails to comprehend the apparent contention by the examiner that a single inventive concept cannot be embodied in "different designs". Could the examiner point out to the applicant the portion of the patent law that makes such a contention? Different embodiments of an invention inherently exhibit "different designs".

The examiner is requested to withdraw this ill-conceived restriction requirement and properly examine claims 1 through 22.

Respectfully submitted,

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